

Exhibit “A”

Maria Mahmood

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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

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MARIA MAHMOOD,
Plaintiff,

vs.

NATIONAL BOARD OF MEDICAL
EXAMINERS,
Defendant.

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2:12-CV-01544-TR

- - -

Monday, November 19, 2012

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Oral deposition of MARIA MAHMOOD held at
the offices of Hamburg & Golden, P.C., 1601 Market
Street, Suite 3310, Philadelphia, Pennsylvania,
19103, on the above date, beginning at 12:15 p.m.,
before Lisa DePascale, a Registered Reporter and
Notary Public.

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GOLKOW TECHNOLOGIES, INC.
877.370.3377 ph|917.591.5672 fax
deps@golkow.com

917-591-5672 FAX

GOLKOW TECHNOLOGIES, INCORPORATED
DEPS@GOLKOW.COM

877-370-DEPS

Maria Mahmood

<p style="text-align: right;">Page 126</p> <p>1 information.</p> <p>2 Q. So they became aware of the information not</p> <p>3 through you?</p> <p>4 A. I'm not sure if I specifically told them or if</p> <p>5 they had gotten the information from somewhere else.</p> <p>6 Q. Do you agree that doctors frequently have to</p> <p>7 make decisions under pressure?</p> <p>8 A. Yes.</p> <p>9 Q. Do you agree that the ability to maintain</p> <p>10 composure under pressure is a necessary attribute for</p> <p>11 a physician?</p> <p>12 A. For some physicians, yes.</p> <p>13 Q. Do you agree that a doctor who can't function</p> <p>14 effectively in a stressful situation may negatively</p> <p>15 impact patient care?</p> <p>16 A. That is something that happens frequently.</p> <p>17 And, yes, I do.</p> <p>18 Q. The complaint that you have pending or the</p> <p>19 grievance that you have pending at the university, if</p> <p>20 you prevailed on that, would that get you reinstated</p> <p>21 to the university so that you could test and complete</p> <p>22 your education? Is that the purpose?</p> <p>23 A. Yes.</p> <p>24 Q. And that's pending, correct?</p>	<p style="text-align: right;">Page 128</p> <p>1 MR. SACKS: Object to the form of the</p> <p>2 question.</p> <p>3 BY MR. REIL:</p> <p>4 Q. And when you wrote to the USMLE, were you under</p> <p>5 psychiatric care at that time?</p> <p>6 A. Yes.</p> <p>7 Q. I want to take a look at Mahmood 9, if I can.</p> <p>8 A. This one?</p> <p>9 Q. Yes. Mahmood 9. Let me put that over there</p> <p>10 lest I knock it over.</p> <p>11 Mahmood 9 is a memorandum from</p> <p>12 Prometric dated August 16, 2011. Okay? Going down a</p> <p>13 couple paragraphs on the first page, I want to read a</p> <p>14 sentence under conclusion like the third sentence. It</p> <p>15 says, "All other candidates continued to test</p> <p>16 normally. No other candidates' exams were affected by</p> <p>17 the incident." Did I read that correctly?</p> <p>18 A. Yes, I believe so.</p> <p>19 Q. On Page 2 of that report, down at the last</p> <p>20 paragraph the last bullet. Okay? The Prometric</p> <p>21 report says -- I'll read the sentence here: "In the</p> <p>22 test center Ms. Mahmood was experiencing technical</p> <p>23 problems with her Special Accommodation Monitor, so</p> <p>24 she had" executed "the S --</p>
<p style="text-align: right;">Page 127</p> <p>1 A. Yes.</p> <p>2 MR. SACKS: Let's just take a three</p> <p>3 minute break. I may be done, but I just want to go to</p> <p>4 the bathroom and be right back and think about it for</p> <p>5 a second.</p> <p>6 MR. REIL: Yeah, I have to go too. I</p> <p>7 may have some brief followups.</p> <p>8 MR. SACKS: I assumed you wanted to</p> <p>9 question.</p> <p>10 (A short break was taken.)</p> <p>11 MR. SACKS: I don't have any more</p> <p>12 questions right now.</p> <p>13 MR. REIL: Okay. I have a few.</p> <p>14 - - -</p> <p>15 EXAMINATION</p> <p>16 - - -</p> <p>17 BY MR. REIL:</p> <p>18 Q. Ms. Mahmood, isn't it true that you weren't</p> <p>19 convicted of arson, but rather you pled to criminal</p> <p>20 mischief?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And your conviction for criminal</p> <p>23 mischief misdemeanor was expunged, correct?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 129</p> <p>1 MR. SACKS: Exited.</p> <p>2 MR. REIL: So she had exited. Thank</p> <p>3 you, Counsel.</p> <p>4 BY MR. REIL:</p> <p>5 Q. -- the S/A room." Do you see where it says</p> <p>6 that?</p> <p>7 A. Yes.</p> <p>8 Q. And going over to Page 3 of the Prometric</p> <p>9 report, I want to direct your attention to where it</p> <p>10 says "Details on the Technical Issue" in bold. It</p> <p>11 states, "Ms. Mahmood had arranged for an extra large</p> <p>12 screen monitor and Zoom Text, but she was not actually</p> <p>13 scheduled to take the test in the S/A room. She was</p> <p>14 to use this equipment at a normal workstation.</p> <p>15 Another candidate had arrived who was scheduled for</p> <p>16 the S/A room. The TCAs were attempting to move</p> <p>17 Ms. Mahmood's monitor to the main testing area when</p> <p>18 the monitor stand broke. They were able to place the</p> <p>19 monitor on the stand so that it was still viewable.</p> <p>20 However, Ms. Mahmood said she would be moving the</p> <p>21 monitor a lot and wanted a new monitor. The TCAs</p> <p>22 asked her to wait in the reception area while they</p> <p>23 tried to resolve the issue." Did I read that</p> <p>24 correctly?</p>

33 (Pages 126 to 129)

<p style="text-align: right;">Page 130</p> <p>1 A. Yes.</p> <p>2 Q. Now, do you agree with the statement there that</p> <p>3 the monitor was able to be placed on a stand so it was</p> <p>4 still viewable for you?</p> <p>5 A. No.</p> <p>6 Q. Okay. Why not?</p> <p>7 A. Because, as I said, this is like the main --</p> <p>8 you know, the main thing why I couldn't continue the</p> <p>9 exam. The LCD screen was separate from the stand. I</p> <p>10 mean, there were wires and the guy -- the proctor --</p> <p>11 the proctor did mention this specifically to not touch</p> <p>12 the thing because it would fall over. And, you know,</p> <p>13 it was also next to a window that's -- you know, I</p> <p>14 don't -- wouldn't expect them to know anything about,</p> <p>15 you know, albinos, or the associated photophobia, but</p> <p>16 my main contention was that the monitor was definitely</p> <p>17 broken and I couldn't work it.</p> <p>18 Q. Can you summarize for the record why you</p> <p>19 believe you were not reasonably accommodated by the</p> <p>20 NBME on the day in question?</p> <p>21 A. Well, considering that, you know, they do keep</p> <p>22 records of who's testing at what center, at least four</p> <p>23 weeks in advance from my recollection of having to</p> <p>24 register a month in advance for any exam, you know, to</p>	<p style="text-align: right;">Page 132</p> <p>1 - - -</p> <p>2 BY MR. SACKS:</p> <p>3 Q. Ms. Mahmood, you don't know the nature of the</p> <p>4 disability or the accommodations -- strike that.</p> <p>5 You don't know the nature of the</p> <p>6 disability of the other examinee who came in and was</p> <p>7 ultimately given the S/A room, do you?</p> <p>8 A. The most that I recall about the individual was</p> <p>9 that she did not require a wheelchair or any medical</p> <p>10 equipment. That is the best that I can do.</p> <p>11 Q. But you don't know the nature of her</p> <p>12 disability, do you?</p> <p>13 A. No, I do not.</p> <p>14 Q. And you don't know what accommodations she had</p> <p>15 requested or what accommodations the NBME had granted</p> <p>16 to her, correct?</p> <p>17 A. Correct. The only inkling that I have is in</p> <p>18 this -- in the statement that she was -- she had</p> <p>19 accommodations for an S/A room so....</p> <p>20 Q. Okay. So if her accommodations included having</p> <p>21 a private room and yours did not, then you really</p> <p>22 don't whether that's true or not; is that correct?</p> <p>23 A. I'm sorry.</p> <p>24 Q. Try that again. You don't know whether her</p>
<p style="text-align: right;">Page 131</p> <p>1 reschedule it anywhere else from one testing center to</p> <p>2 another, that means that they had a month to prepare</p> <p>3 and to have a back-up plan in case two students with</p> <p>4 testing accommodations happen to be accommodated --</p> <p>5 happen to be testing at the same center.</p> <p>6 And so they should have had, you know,</p> <p>7 at least, you know, a back-up plan for that</p> <p>8 eventuality. That they should be able to accommodate</p> <p>9 more than one student at a center. And, you know,</p> <p>10 they were not able to do that. They had prior -- they</p> <p>11 had the schedule. They had -- you know, they were</p> <p>12 aware of the situation, but they failed to actually</p> <p>13 adequately provide reasonable accommodations to both</p> <p>14 students.</p> <p>15 Q. Was the failure to reasonably accommodate you</p> <p>16 on the day in question, did that occur before the</p> <p>17 tissue was lit in the bathroom?</p> <p>18 MR. SACKS: Object to the form.</p> <p>19 BY MR. REIL:</p> <p>20 Q. You can answer.</p> <p>21 A. Yes, it was.</p> <p>22 MR. REIL: That's all I have.</p> <p>23 - - -</p> <p>24 EXAMINATION</p>	<p style="text-align: right;">Page 133</p> <p>1 accommodations included a private testing area, do</p> <p>2 you?</p> <p>3 A. No.</p> <p>4 Q. And we've already gone through the fact that</p> <p>5 you didn't request a private testing area, correct?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know if that person who came and was</p> <p>8 given the private room, the S/A room, was taking the</p> <p>9 USMLE or some other type of test? Do you know?</p> <p>10 A. I don't know.</p> <p>11 Q. Mr. Reil asked you about the guilty plea to</p> <p>12 criminal mischief. Am I correct that the guilty plea</p> <p>13 to criminal mischief was part of an arrangement in</p> <p>14 which you pled guilty and the prosecutor agreed to</p> <p>15 drop the arson charge?</p> <p>16 A. They -- I'm not sure as to the specifics of</p> <p>17 that criminal proceeding anymore. I mean, I trusted</p> <p>18 my lawyer, and I trusted him to carry out -- you know,</p> <p>19 to represent me the best that he could.</p> <p>20 Q. Okay. The criminal mischief that they were</p> <p>21 talking about was lighting a fire in the bathroom, was</p> <p>22 it not?</p> <p>23 A. I'm not sure. Would not lighting a fire be</p> <p>24 arson?</p>

34 (Pages 130 to 133)

Maria Mahmood

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1 Q. I think it would.
2 MR. REIL: Well, just answer the
3 questions and don't ask it.
4 THE WITNESS: Well --
5 BY MR. SACKS:
6 Q. Was there anything else that you did other than
7 lighting a fire?
8 A. No.
9 MR. SACKS: I think we're done. Thank
10 you.
11 MR. REIL: I'm done also. Thank you.
12 (Deposition concluded at 4:18 p.m.)
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1 CERTIFICATION
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4 I, Lisa DePascale, Registered Reporter, certify
5 that the foregoing is a true and accurate transcript of the
6 foregoing deposition, that the witness was first sworn by me
7 at the time, place and on the date herein before set forth.

8 I further certify that I am neither attorney nor
9 counsel for, not related to nor employed by any of the
10 parties to the action in which this deposition was taken;
11 further, that I am not a relative or employee of any
12 attorney or counsel employed in this case, nor am I
13 financially interested in this action.
14
15
16

17 _____
18 Lisa DePascale
19 Registered Reporter
20 and Notary Public
21
22
23
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35 (Pages 134 to 135)